

**Florida Keys National Marine Sanctuary Advisory Council**  
**Final Minutes - April 17, 2001**

**Members Present**

Wayne Blevins	Richard Grathwohl
Virginia Cronk	Debra Harrison
Tom Davidson	David Hawtof
Fran Decker	Don Kincaid
Greg DiDomenico	Ken Nedimyer
Joseph DiNovo	George Neugent
Todd Firm	Deborah Shaw

**Alternates Present**

Dallas Wain Garrison for Karen Lee  
Sheila Mullins  
Diane Silvia for Duncan Mathewson

**Call to Order**

Chairman Neugent called the meeting to order at 9:05 a.m.

**Introductions**

Chairman Neugent welcomed Ms. Ianotta, representing Representative Deutsch, and welcomed Mr. Garrison, Karen Lee's alternate. Mr. Causey introduced Julie Barrow, with the National Marine Sanctuary System, working on the revision of the Central California Management Plan, in attendance to observe the SAC meeting. Mr. Causey also introduced Lt. David Score, the new FKNMS Upper Region Manager, replacing LCDR Dave Savage. Lt. Bob Currul introduced Captain Skip Russo, who will be taking Captain Donnelly's place.

**Approval of Minutes**

On motion by Tom Davidson, seconded by Fran Decker, the minutes of the February 20, 2001 meeting were approved as presented.

**Approval of Agenda**

Mr. Causey requested that the coral reef agenda item be reduced to five minutes because it was to be a preview of Don DeMaria's presentation on Palau. Mr. DeMaria could not attend today, so Mr. Causey said he would like to make his full presentation at the June meeting when Mr. DeMaria will be able to attend. The agenda was approved as amended.

**Sanctuary Superintendent's Report – Billy Causey** presented the attached report.

Lt. Score gave a synopsis of the personal watercraft (PWC) public meetings held March 26, 27, and 28, reporting that 156 comments were received in Key Largo, 17 in Marathon, and 75 in Key West. Lt. Score also reported that public comment via e-mail will be received through April 30; those comments will be reviewed and then deliberated at the next PWC Working Group meeting; and preferred alternatives and recommendations resulting from that meeting will be presented at the next SAC meeting.

Wayne Blevins asked how many of the 156 comments received in Key Largo were from people from the Keys. Lt. Score reported that all those comments were from local residents.

Mr. Causey announced that he received a letter of resignation from John Brownlee (attached).

Debra Harrison commented on plans (by her and others) to attend the Cabinet Aides meeting April 18 and the Governor and Cabinet meeting April 24 to provide support for the Tortugas Ecological Reserve.

Discussion was held regarding placement of boundary buoys, enforcement, jurisdiction, funding for enforcement, and the feasibility of using transponders in the Tortugas Ecological Reserve.

Billy Causey introduced Patti Hartsing, and announced that she has been recognized as the FKNMS Team Member of the Year for 2001.

Mr. Causey also presented Virginia Cronk with an underwater photograph taken by Don DeMaria in recognition of her time served on the SAC.

Ms. Harrison talked about the comment made that the PWC issue seems to be an Upper Keys concern and stated when the Back Country Management Plan for the Lower Keys Refuges was put in place, the entire back country was closed off to personal watercraft, so there are already existing controls in the Lower Keys.

### **Public Comment**

**H. T. Pontin** – A copy of Mr. Pontin's presentation is attached.

**Peggy Matthews**, representing the Personal Watercraft and Boating Industry, commented about the discussion regarding personal watercraft being an Upper Keys issue, and said that statement is based on the number of comments received, and the industry believes that to be accurate. However, she said she wants to make it clear that the comments received to date seem to be split 50-50 pro personal watercraft and con personal watercraft. She also commented on the Whale Harbor issue and the joint meetings Mr. Causey mentioned and she wanted everyone to know the boating industry is

willing to assist NOAA and the other agencies in trying to address areas that are going to impact boating.

Ms. Matthews also congratulated Patti Hartsing on the well deserved FKNMS Team Member of the Year award.

**Florida Department of Environmental Protection (DEP) Report – Fritz Wettstein**, representing Anna Marie Hartman, Director of the Office of Coastal and Aquatic Managed Areas, co-manager for the FKNMS, gave an update on DEP's participation in trap cleanup, the Clean Marina Program, resource management activities, injection wells, and personnel issues. Mr. Wettstein also recognized Gary McGee, Bahia Honda State Park, in the audience.

**Florida Fish and Wildlife Conservation Commission (FWC) Report – John Hunt** provided an update on the following Commission activities: the spiny lobster trap reduction plan, the questionnaire to crawfish stamp holders, proposals for funding for gathering information relating to sponges, a workshop process for moving ahead on issues which do not require an extensive scientific research process, and the queen conch program. Mr. Hunt also reported that the *Florida Bay Watch Reports* series won the "Blue Ribbon Award" for newsletters. Mr. Hunt announced that the Florida Bay Science Conference will be held April 24 – 26 at the Westin in Key Largo, and the CROGEE Science Oversight Panel, part of the South Florida Restoration Task Force, will meet April 27 at the Westin.

Discussion was held on the queen conch program and the process to address the sponging issue. Chairman Neugent requested Mr. Hunt follow up on the sponge process and report back to the SAC.

Mr. Causey reported that Manoj Shivilani of the University of Miami and a number of graduate students are considering projects looking at the socio-economic aspects of sponging, and will be writing a Master's thesis on this project.

**Sanctuary Enforcement Report (FWC) – Lt. Bob Currul** reported that FWC enforcement has two new boats on the water in the Upper Keys. Lt. Currul also reported they have been busy with groundings. Discussion was held on groundings regarding insurance companies response and some recent cases. Lt. Currul also reported on problems with illegal habitat. Mr. Causey commented that boat rental operators are still not aggressively getting FKNMS information to people that rent boats; the message that FKNMS is serious about protecting the seagrass, the corals, and hard bottom habitat needs to be emphasized. Ms. Mullins commented that she thinks the personal watercraft rental businesses in Key West and the Lower Keys are not doing a good enough job of education.

**NOAA Office of Law Enforcement Report – Gene Proulx**, Special Agent in Charge, reported that their role is to deal with the case files generated by the enforcement activities. Mr. Proulx introduced Katherine Frazier who handles the case files; Karen

Raine, General Counsel for enforcement and litigation; and John Barylsky, Marathon Agent. Mr. Proulx presented statistics representing the summary of efforts during the year 2001 and during the past five years, reviewed a breakdown of types of cases, and also presented a graph showing a comparison for last five years of the number of warnings issued and the number of summary settlements paid.

Mr. Grathwohl stated, as a fishing guide, he is quite concerned about the incidents of fishing in the Sanctuary Preservation Areas (SPAs) and research only areas; especially now with the Tortugas Ecological Reserve, commenting that this is where transponders would be very helpful. Mr. Proulx said that generally transponders around the world are used in larger off shore fisheries, where you are monitoring vessels over hundreds of thousands of miles of oceans. It is a very efficient way of knowing where your fleet is. Transponders could be used in critical areas to tell you where the people that are authorized to be there are.

### **Linking Coral Reef Decline to Coral Bleaching and Global Climate Change**

Mr. Causey stated that there is no doubt that our coral reefs are declining, and talked about what needs to be done from a management perspective. Mr. Causey reported that he made a presentation at the Coral Reef symposium in Bali in October, 2000 called "Linking Coral Bleaching to Global Warming – the Next Steps for Coral Reef Management". Mr. Causey's preview of the presentation he will make at the June SAC meeting included "Global Warming Trends".

Chairman Neugent requested Mr. Causey also give his presentation before the County Commission. Ms. Harrison requested copies be included in the next SAC packet. Ms. Mullins commented that some of the elected officials in Key West have used the fact that there are things out of our control, like global warming and things that are happening in the Mississippi River and Florida Bay, as an excuse for not doing something about our local problem, and asked Mr. Causey to tie in the responsibility we have to do everything we can because these resources are weakened by not only what we do but are made more susceptible to forces that we have no control over. Mr. Causey said our problems are global, regional, and local, and we have to address these problems at all three scales.

Mr. Causey introduced Spencer Slate and John Stewart who were original members of the Sanctuary Advisory Council, serving from 1992 – 1996, developing the Management Plan.

**Questions About Sanctuary Regulations – Mr. Jim Bellizzi** introduced Bob O'Donnell in attendance to assist him with his presentation. A summary of Mr. Bellizzi's presentation is attached.

Mr. Bellizzi requested the Sanctuary Advisory Council recognize his concerns as being consistent with the desires of those who came before this body during the Management Plan process, as well as the concerns of the prior SAC. Mr. Bellizzi also asked, based upon the procedures available under Section 922.165, that the SAC recommend that the

Sanctuary Superintendent take the appropriate actions by posting to the Federal Register a notice of change to the Sanctuary-wide regulations to address the issue of resource protection, as well as providing for all who reside within the Sanctuary boundary equal protection under the law.

Mr. Causey reviewed the regulation process, stating that the recommendations put forward came through a very lengthy process with the Sanctuary Advisory Council. Mr. Causey commented that Mr. Bellizzi's proposed regulation might work with mangrove fringed shorelines in the Upper Keys, but there are areas in the Lower Keys where people cannot transit at idle speed. Mr. Causey mentioned this is a geographic issue, where a regulation may work in one area, but not throughout the County. Mr. Causey talked more about the process, which included nine months review throughout the County, commenting that a lot of the language in the final regulations was based on the knowledge of local fishermen. Mr. Causey said Mr. Bellizzi put a very good analogy together as far as the process, but he may not be aware of the full brunt of the public review in developing the regulations that we thought would balance not only resource protection, but continued utilization and access to those resources.

Chairman Neugent asked if this issue would be something the SAC would be more inclined to address if Mr. Bellizzi were to go to the Village of Islamorada, City of Marathon, and City of Key West, and the SAC would support and respect the sovereignty of the Cities, after they have gone through a public input process. Mr. Causey mentioned that this is an area by area issue, and the opinions vary up and down the Keys, and the fact that the Village of Islamorada has received a 1200 foot sovereign jurisdiction, this falls directly within their purview, and this is an issue for the Villages to take up first, and if they so choose to mark that area idle speed, then it would be covered by our regulations. Mr. Causey indicated it may be advantageous to know all the issues in the community that is going to be affected by any changes in regulations.

Mr. Bellizzi commented he wanted to make it clear that this is not a Snake Creek specific issue; it is a Sanctuary-wide issue. Snake Creek is not the only body of water impacted by this regulation. The regulations created should be consistent and uniform throughout the Keys. He stated that he is aware there are other tools he can use, he has gone before the Marine Port Advisory Committee and the Islamorada Village Council, but he wants to see that all regulations pertain to everyone throughout the Sanctuary equally and consistently.

Mr. Grathwohl, using the Lower Keys as an example, explained the reasons why uniform regulations will not work. He stated that a lot of fishing guides would be put out of business, because the flats fishermen cannot slow down in certain areas, and the U.S. Fish and Wildlife Service does not want any more markers in the back country.

Ms. Shaw commented on her observations of "wake pruning", and what happens to a mangrove fringe from storm surge, which is incidental periodic damage. She stated that large waves caused by big boats could cause continual damage to the mangrove fringe, so there is an impact to the resource from large wakes.

Ms. Mullins asked about why requiring idle speed in the Lower Keys would have an impact on people economically. Mr. Causey further explained the issue Mr. Grathwohl addressed, stating that in certain areas of shallow water in the Lower Keys, if the flats guide is not on a plane, he cannot transit the area. This issue was addressed during the development of the regulations, so that was the public input received, and the issue was looked at very closely.

Ms. Harrison referred to a letter regarding this issue submitted by Karen Lee who was unable to attend today's meeting (attached). Ms. Harrison stated she would like to find a way for the SAC to use the Monroe County Resources Department and their channel marking program; use the Village of Islands; and use the SAC Channel Marking Working Group, to try and find a solution that addresses how we manage and control the impacts that we are seeing to our natural shorelines.

Mr. Garrison talked about a resolution passed by the Venetian Shores Homeowners Association relating to the protection of the mangrove shoreline of Windley Key.

Mr. Wettstein stated that the DEP is supportive of addressing both the local and regional issues through whatever the Cities, County, and the Sanctuary can do, commenting that we now have a good opportunity to evaluate channel marking strategies and regulatory action plans during the upcoming review of the Management Plan.

George Garrett commented on Monroe County's perspective on this issue, stating that Mr. Bellizzi and Mr. O'Donnell have met with the Marine Port Advisory Committee with limited success, but Mr. Garrett talked to Rich Jones this morning, and he felt something could be accomplished on Snake Creek specifically, which he thought was the initial issue. Mr. Garrett pointed out that Monroe County is still responsible for all of the no wake zones within the County, including the City of Key West, Islamorada, and Marathon.

Mr. Blevins asked Mr. Garrett if it is feasible or possible to write a similar plan in unincorporated areas, i.e. Key Largo. Mr. Garrett responded that Monroe County has put in 17 zones throughout the County in unincorporated areas.

Discussion was held about enforcement, relating to placing signs being an effective way to mark areas.

Ms. Harrison suggested Mr. Bellizzi meet with Monroe County and Sanctuary staff to try to come up with a recommendation which would be acceptable for both the short and long term ways of addressing this issue. Mr. Hawtoff suggested further discussion of this issue be done in a committee.

Mr. Bellizzi responded to concerns raised by Mr. Grathwohl, Lt. Currul, and Mr. Wettstein, as follows: 1) Mr. Bellizzi commented why he did not think Mr. Grathwohl's comments about creating a possible impact to fisherman were valid. 2) Mr. Bellizzi

addressed Lt. Currul about Lt. Currul's comments about the inability to enforce a regulation because of distance, stating that the ability to use their discretion based upon their knowledge needs to be put back into the hands of law enforcement, and the judges need to understand this, and 3) Mr. Wettstein's concern about the fact that a regulation change could be addressed during the 5-year Management Plan review; this could take two to five years, and we can't wait that long to do this.

Mr. Grathwohl commented that Mr. Bellizzi's proposed regulation might work in Islamorada, but not in the Lower Keys, because the tides are extremely different.

Ms. Harrison moved that the Sanctuary Advisory Council request that the Channel Marking Working Group immediately set up meetings that include the Monroe County Resource Division, the Village of Islamorada, and FWC. The motion was seconded by Mr. Garrison, and upon vote, passed unanimously.

**Five-Year Review of the Sanctuary Management Plan** – Mr. Causey reviewed the upcoming process for the Management Plan review to be presented to the Governor and Cabinet in 2002. Ms. Cradick emphasized the need to re-establish the working groups based on the ten Action Plans, stating that the SAC members will be receiving more information on this process in the near future. Mr. Wettstein added the State's role in the process.

## **Unfinished Business**

### **Jewfish**

Mr. Grathwohl referred to an article which appeared in the February 18, 2001 *Miami Herald* in the Keys section written by Jim Hardie (attached). Mr. Grathwohl stated he feels the SAC should make a statement that it is too soon for the taking of Jewfish, and a letter should also be written to the Captain in the newspaper picture who has a Jewfish in his boat, stating that the SAC does not condone this method of landing a Jewfish and then putting it back in the water, unless it is for a scientific purpose.

Mr. Causey mentioned the agencies that have jurisdiction relating to the fisheries within the boundaries of the Sanctuary—the Gulf Council, the South Atlantic council, and the FWC. Mr. Causey commented that the SAC could make a recommendation, but it would have to be forwarded to one of the fisheries councils and to the FWC. Mr. Hunt commented that the most appropriate time to forward a statement would be when Jewfish are on the Commission agenda, but if the SAC feels strongly about the issue, it wouldn't hurt to also send the information to FWC staff.

Mr. Kincaid commented that it takes seven years for a Jewfish to reach spawning age, it would be premature to take them at this point, and there are not anywhere near the populations there once were.

Mr. Blevins stated he thought it would be a good idea, instead of waiting for something to happen and then have the SAC react, to draft a letter stating the way the SAC feels about this particular issue and ask the appropriate agencies to please bear this in mind for future communication.

Ms. Harrison moved that the Sanctuary Advisory Council send a letter to Sanctuary Management to be forwarded to the appropriate agencies that manage fisheries, attaching the newspaper article, and stating that the Sanctuary Advisory Council feels there is inadequate data on the well being and health of the Jewfish to consider opening the fishery at this time. The motion was seconded by Mr. Grathwohl, and upon vote, passed unanimously.

### **Cracked Corn Update**

Mr. Grathwohl reported that the World Class Angler has pulled cracked corn from their shelves. Mr. Causey reported, as directed by the SAC at the last meeting, staff has drafted a flyer for review.

Mr. Blevins expressed his concern with the timely distribution of the flyer, and requested it be done soon. Mr. Causey said the flyer will be distributed by Team Ocean to bait and tackle stores during their next route.

The SAC reviewed and revised the draft flyer. A copy of the revised flyer is attached.

Mr. Causey reported that stickers are going to be added to the mooring and boundary buoys with the international “No” symbol, for no “fishing, lobstering, and collecting”.

### **Public Comment**

#### **H. T. Pontin**

Mr. Pontin commented that 45 minutes were allowed on today’s agenda for public input, and only ten minutes were used by the public—the other 35 minutes were used for SAC member’s opinions. Mr. Pontin said he raised his hand twice to insert pertinent information on the subject being discussed, but he was not allowed to speak. He stated that the Governor’s Boating Advisory Council allows public comment and pertinent information during any subject, and they have two or three times the number of public present. Mr. Pontin also asked why the afternoon public comment is last on the agenda, it should be first.

Mr. Pontin, representing the Ramrod Key Yacht Club, commented on four articles in the Spring 2001 issue of *Sounding Line*:

- 1) He talked about the article stating that the International Maritime Organization (IMO) would keep ships over 50 meters from anchoring in the Tortugas. Mr. Pontin said that needing IMO approval proves that the FKNMS did not have jurisdiction over these areas,

which he has informed FKNMS many times, and yet the Sanctuary made illegal regulations without having jurisdiction.

2) Regarding the “Seagrass Awareness Month” article, Mr. Pontin commented that he remembers a report that came out years ago relating to mangroves preventing the destruction of seagrass, and this is never mentioned in the article.

3) Regarding the article “Damage Assessment Team Surveys Groundings”, Mr. Pontin made comments indicating that placing “bird stakes” along prop scars is not the best method to make the seagrass regrow.

4) Commenting about “The Link Between Coral Bleaching and Global Warming”, Mr. Pontin said someone forgot to mention that seagrass beds tend to make the water shallower, which makes the water much warmer on its way to the reef. Mr. Pontin stated that seagrass in deep water is great, but in shallow water it does just as much damage as it does good.

Chairman Neugent addressed Mr. Pontin’s concerns regarding public comment, stating that it is the Chair’s intent to be equal and visitor friendly when receiving public comment, and asked if any of the SAC members feel that the public comment period should be rearranged on the agenda. There being no response from the members, no changes will be made to the public comment period.

Mr. Causey commented that the SAC policy is not to recognize members of the public who raise their hands outside of the public comment period, because meetings could get out of control if a lot of people requested to be recognized. Mr. Causey mentioned that the current SAC meetings are very structured and, therefore, move very smoothly.

### **Items to be Entered Into the Record**

Mr. Grathwohl read an item on behalf of Tony Iarocci regarding the South Atlantic Fishery Management Council scoping document (attached), and announced the Council will be meeting May 3 at 6:00 p.m. at Holiday Isle. Discussion was held regarding the importance of SAC members support and input at the upcoming meeting.

Wayne Blevins commented that he talked to George Garrett to clarify his question about marking no wake areas in unincorporated areas, and Mr. Garrett told him that individuals or groups can make requests to have no wake buoys placed in particular unincorporated areas and Monroe County has the ability to place them, and they are enforceable by any State agency.

### **Announcements**

Chairman Neugent announced that Sanctuary Friends of the Florida Keys will be having a cocktail party/reception/fundraiser and membership drive at the Marathon Garden Club on Thursday, June 28, 6:00 – 8:00 p.m. Dan Basta, NMSS Director, and other

dignitaries will attend. The event will be hosted by Mayor Neugent and Mayor Miller of the City of Marathon.

Chairman Neugent also introduced Nancy Klingener, a former *Miami Herald* Reporter, who will be working for the Center for Marine Conservation effective May 1.

### **Items for the June 19, 2001 Agenda**

Richard Grathwohl requested staff contact Tom Wilmers with U.S. Fish & Wildlife regarding addressing the SAC about his concern with the number of pelicans dying in the Marqueses. Mr. Hawtof mentioned that a number of turtles are also dying, and should that issue be brought before the SAC? Mr. Grathwohl stated that the cause of the turtles dying has been found to possibly be from toxins coming from an Australian jellyfish from ballast water.

Mr. Nedimyer asked if the injection well issue brought up by Dr. Sydney Bacchus will be on the June agenda. Ms. Cradick replied that this issue will be presented before the Technical Advisory Committee (TAC) at its next meeting. Chairman Neugent requested that the TAC make a report to the SAC following their meeting on this issue.

Ms. Mullins requested that the June agenda include a recommendation to the City of Key West regarding their jurisdiction be extended to 1200 feet offshore, in order to be consistent with other cities in the Keys.

Coral Reef Presentations – Billy Causey and Don DeMaria

PWC Recommendations

**The meeting was adjourned at 2:20 p.m.**

Submitted by,

Sharyn Collette

Approved: June 19, 2001